



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,341	12/16/2003	Russell L. Holden	LOT920030052US1	9103

23550	7590	01/11/2007
HOFFMAN WARNICK & D'ALESSANDRO, LLC		
75 STATE STREET		
14TH FLOOR		
ALBANY, NY 12207		

EXAMINER	
VAUTROT, DENNIS L	

ART UNIT	PAPER NUMBER
2167	

MAIL DATE	DELIVERY MODE
01/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/737,341

Applicant(s)

HOLDEN ET AL.

Examiner

Dennis L. Vautrot

Art Unit

2167

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 December 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


JOHN COTTINGHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Continuation of 11. does NOT place the application in condition for allowance because:

1. The same basic reasoning from the final rejection are repeated below with minimal clarification.

The arguments regarding claims 1, 8, 15, and 22 relate to the two main prongs of the independent claims.

2. First, pertaining to the argument that "Per_User_GUID 36 is the 'identifier of the replica server to which the master copy was last copied.'" While it does say that the Per_User_GUID represents the ID of the replica server, conceptually, however, the replica server becomes the originating server as soon as the changes that are made on a server are passed on to the next server. Specifically, in column 4, lines 57 - 60, the replica's GUID is written over the existing Per_User_GUID when the read/unread data set is modified. This makes the new Per_User_GUID the originating server. "If it [per user read/unread data set] has changed, the read/unread data record is written back to the disk on the replica and on the user's home server, with the replica's GUID written over the existing Per_User_GUID." When changes are propagated from this server, the Per_User_GUID would now represent the new originating server.

Conceptually, what is occurring in the reference varies slightly because value stored in the Per_User_GUID changes during the course of operation. Taken at different points in the operation, the replica could be interpreted as an originating server, since the replica then passes along the replicated activity to another server. The interpretation is that the originating server is the server from which the replication command was sent from.

Additionally, and not addressed in the response to the final rejection, Applicant's interpretation of the broad language of the claim also appears to read on the GUID as discussed in column 5, lines 6 - 9 "In the preferred embodiment, a change number consists of a globally unique ID (GUID) of the server on which the change was made, plus a unique sequence number assigned by the server." The GUID represents the server on which the change was made, which would be the originating server. In light of the above sections, examiner is not persuaded that the Benson reference does not anticipate the language of the independent claims.

3. The second argument is related to the second part of the independent claims. Examiner is also not persuaded by the argument. If the originating server, represented by the Per_User_GUID, is different from that of the replica server then the data is copied, if it is the same, then no action is required, and replication is prevented. This is interpreted to mean that the server with the change to propagate - the one whose GUID is represented by Per_User_GUID - is not the same as the GUID of the server that is requesting the updated information, then the information is copied. If the GUID is the same as the Per_User_GUID, then bounce-back prevention occurs, by taking no action. Examiner feels this to be a fair interpretation of the claim, therefore the claim language does not appear to be distinguishable over Benson.

Lastly, Applicant notes that "this process is not initiated by a replica..." but rather when a user opens a folder on a client. Examiner's interpretation of the reference in light of the claim language is that by opening the folder on the client, the client is then the receiving server, and therefore it is the replica (or receiving) server which is initiating the process.